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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,334	09/23/2003	Katsuhiko Sasaki	243089US2	9287
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER DAILEY, THOMAS J	
			ART UNIT 2152	PAPER NUMBER
			NOTIFICATION DATE 06/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/667,334

Applicant(s)

SASAKI, KATSUHIKO

Examiner

Thomas J. Dailey

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/23/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-42 are pending in this application.

Claim Objections

2. Claims 1 and 17 are objected to due to its non-descriptive preamble. The claims recite "An electronic apparatus" (claim 1) and "A method of controlling an electronic apparatus" (claim 17). These are insufficient, as the preamble should establish the environment or objective of the claimed invention.

Claim Rejections - 35 USC § 101

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

4. Claims 25-33 are rejected under 35 U.S.C.101 because the claimed invention is directed to non-statutory subject matter.
5. Claims 25-33 are directed to, "A program for causing a computer to control an electronic apparatus, said program comprising the instructions of..." and all the limitations are instructions that are software alone. Therefore the claims are directed to functional descriptive material that is not embodied on a computer readable medium and is non-statutory.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 4-9, 14, 20-24, 31, and 40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
8. Claims 4, 7, 14, 20, 31, and 40 recite, "an abnormality that can be eliminated by the user" (e.g. lines 8-9, claim 4). Claiming that the abnormality *can be* eliminated by the user makes the claims indefinite as that is just a possibility (i.e., with this recitation there is still the possibility the abnormality cannot be eliminated by the user) and does not definitively stating what the abnormality is in this instance.
9. Claims 5-9 and 21-24 are rejected due to their dependence on the previously rejected claims.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-2, 10, 17-18, 25-26, and 34-35, are rejected under 35 U.S.C. 102(e) as being anticipated by Yanagawa (US Pat. 7,148,979).

12. As to claim 1, Yanagawa discloses an electronic apparatus, comprising:

an abnormality detector detecting an abnormality when the abnormality occurs (column 6, lines 54-53);

an abnormality type determination part determining a type of the abnormality detected by said abnormality detector (column 6, lines 54-63 and column 7, lines 18-24 shows example abnormalities that can be determined); and

an abnormality notification part for informing an external apparatus of the abnormality when the type of the abnormality determined by said abnormality type determination part represents an abnormality that cannot be eliminated by a user of said electronic apparatus (column 7, lines 50-59 where the printer service depot computer reads on the external apparatus).

13. As to claim 10, Yanagawa discloses a remote management system remotely managing a plurality of electronic apparatuses by a management apparatus via a communication line (Abstract), comprising:

the plurality of electronic apparatuses (column 12, lines 53-56);
and the management apparatus (column 3, lines 46-51), wherein each of the
electronic apparatuses includes:

an abnormality detector detecting an abnormality when the abnormality
occurs in the electronic apparatuses (column 6, lines 54-53);

an abnormality type determination part determining a type of the
abnormality detected by said abnormality detector (column 6, lines 54-63 and
column 7, lines 18-24 shows example abnormalities that can be determined);
and

an abnormality notification part for informing the management apparatus
of the abnormality, together with identification information of one or more of
the electronic apparatuses in which the abnormality occurs, when the type of
the abnormality determined by said abnormality type determination part
represents an abnormality that cannot be eliminated by a user of said one or
more of the electronic apparatuses (column 7, lines 50-59 where the printer
service depot computer reads on the management apparatus).

14. As to claims 17, 25, and 34, they are rejected by the same rationale set forth in
claim 1's rejection.

15. As to claim 2, Yanagawa discloses:

a use request reception part receiving a request for using one or more functions (column 3, lines 52-53); and

an abnormality display part that, in a case where the type of abnormality determined by the abnormality type determination part represents an abnormality in a predetermined function, displays that the abnormality is occurring only when a request for using the predetermined function is received by the use request reception part (column 7, lines 18-28, a request is made to print a document which inherently entails other request such as feeding paper, printing ink to paper etc., and if one of these requests fails a message is displayed to inform the user of such (e.g. "OUT OF INK)).

16. As to claims 18, 26, and 35, they are rejected by the same rationale set forth in claim 2's rejection.

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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18. Claim 3-6, 8-9, 11-13, 15-16, 19-24, 27-30, 32-33, 36-39, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagawa as applied to claims 1, 10, 17, 25, and 34 above, and further in view of Schroath et al (US Pat. 6,973,597), hereafter "Schroath."

19. As to claim 3, Yanagawa discloses the invention substantially with regard to the parent claim 1, and further discloses a non-volatile storage part (column 13, lines 1-4).

But, Yanagawa does not disclose an abnormality history writing part for writing history of the abnormality to said non-volatile storage part when the type of the abnormality determined by the abnormality type determination part represents an abnormality that requires only history saving.

However, Schroath discloses an electronic apparatus (Abstract) further comprising:

an abnormality history writing part for writing history of the abnormality to said non-volatile storage part when the type of the abnormality determined by the abnormality type determination part represents an abnormality that requires only history saving (column 3, line 65-column 4, line 8, obviously if the abnormality only requires history saving nothing further will occur in Schroath's system).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Yanagawa and Schroath in order to allow the user to view a history of errors and thereby making easier the debugging process.

20. As to claim 4, Yanagawa discloses the invention substantially with regard to the parent claim 1, but does not disclose the electronic apparatus further comprising:

- an abnormality counter for counting the number of times of occurrence of an abnormality; and

- an abnormality counter controller for causing said abnormality counter to up count when the type of the abnormality determined by the abnormality type determination part represents an abnormality that can be eliminated by the user of the electronic apparatus,

- wherein the abnormality notification part includes means for informing the external apparatus of a corresponding abnormality when a count value of the abnormality counter reaches a predetermined value.

However, Schroath discloses an electronic apparatus further comprising:

- an abnormality counter for counting the number of times of occurrence of an abnormality (column 4, lines 22-24); and

an abnormality counter controller for causing said abnormality counter to up count when the type of the abnormality determined by the abnormality type determination part represents a specific abnormality (column 5, lines 24-33), wherein the abnormality notification part includes means for informing the external apparatus of a corresponding abnormality when a count value of the abnormality counter reaches a predetermined value (column 5, lines 37-52).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Yanagawa and Schroath in order to create a more automated process to debug problems in an electronic apparatus thereby increasing ease of use for the user (Schroath, column 1, lines 36-50).

21. As to claim 5, Yanagawa and Schroath disclose the invention substantially with regard to the parent claim 4, and further disclose means for displaying occurrence of an abnormality when the count value of the abnormality counter has not reached the predetermined value (Schroath, lines 40-44).

22. As to claim 6, Yanagawa and Schroath disclose the invention substantially with regard to the parent claim 4, and further disclose a reset part resetting the count value of the abnormality counter when the count value thereof reaches the predetermined value (Schroath, column 5, lines 52-56).

23. As to claim 8, Yanagawa and Schroath disclose the invention substantially with regard to the parent claim 4, further disclose means for causing the electronic apparatus to reboot when the count value of the abnormality counter has not reached the predetermined value (Schroath, column 5, lines 37-52).

24. As to claim 9, Yanagawa and Schroath disclose the invention substantially with regard to the parent claim 8, further disclose means for displaying that reboot is to be performed before the electronic apparatus is caused to perform reboot (Schroath, column 3, lines 40-44).

25. As to claims 11, 20, 28, and 37, they are rejected by the same rationale set forth in claim 4's rejection.

26. As to claims 12, 21, 29, and 38, they are rejected by the same rationale set forth in claim 5's rejection.

27. As to claims 13, 22, 30, and 39, they are rejected by the same rationale set forth in claim 6's rejection.

28. As to claims 15, 23, 32, and 41, they are rejected by the same rationale set forth in claim 8's rejection.

29. As to claims 16, 24, 33, and 42, they are rejected by the same rationale set forth in claim 9's rejection.

30. As to claims 19, 27, and 36, they are rejected by the same rationale set forth in claim 3's rejection.

31. Claims 7, 14, 31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yanagawa and Schroath as applied to claims 4, 10, 28, and 37 above, and further in view of what was well known in the art at the time of the invention.

32. As to claim 7, Yanagawa and Schroath disclose the invention substantially with regard to the parent claim 4, and further disclose:

an image forming part forming an image on a recording medium (Schroath, column 3, lines 55-56);

a sheet counter counting the number of sheets each having an image thereon formed by said image forming part (Schroath, column 4, 36-38); and

a reset part for resetting the count value of the abnormality counter (Schroath, column 5, lines 49-56).

But, Yanagawa and Schroath do not disclose the sheet counter is used to count the number of sheets that used between detection of errors and if it exceeds a certain value resetting the count value of the abnormality.

However, Official Notice is taken (MPEP 2144.01) that this is an obvious modification for one of ordinary skill in the art at the time of the invention to Schroath's disclosed invention. Schroath discloses determining whether an error has occurred more than Y number of times in X number of minutes, where the value of X is a function of usage data of a printer (i.e., a sheet counter) (column 4, lines 22-56). Simply, cutting out the temporal element of Schroath's controlling variable (X minutes) and making it simply a function of raw usage data would have been an obvious design to choice to one of ordinary skill in the art at the time of the invention and could have been done in order to simplify Schroath's system.

Conclusion


33. For additional prior art made of record and not relied upon and considered pertinent to applicant's disclosure see attached Notice of References Cited, Form PTO-892.


34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Dailey whose telephone number is

571-270-1246. The examiner can normally be reached on Monday thru Friday;
9:00am - 5:00pm.

35. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

36. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


TJD
5/12/2007


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6/19/7